

An Introduction to Guardianship for Parents of Students With Disabilities

State Schools for Severely Handicapped

Missouri Department of Elementary and Secondary Education

D. Kent King, Commissioner of Education

It is important that parents and guardians of students enrolled in State Schools for Severely Handicapped consider the guardianship needs of their children. Missouri laws have recognized this transition of children to adults in a variety of ways. The law provides that when persons reach their eighteenth birthday, they shall be recognized as their own guardian with respect to all decisions which affect their lives. Some individuals cannot make all, or possibly any, decisions about their care. When a person reaches the age of 18, such person becomes a legal adult. Only the action of the court can bestow guardianship to someone else after a person with a disability reaches 18 years of age.

Why Is Guardianship or Conservatorship Important

In order for a child to attend any public school, including State Schools for Severely Handicapped, someone must authorize enrollment, review the student's Individualized Education Program (IEP) and consent to a variety of school-related activities. Many children who attend State Schools for Severely Handicapped also receive some type of assistance from other agencies. Such agencies require authorizations and consent in order to deliver services. A similar situation exists when there are decisions to be made concerning any property which may be owned or inherited by persons who have reached their eighteenth birthday. They would be able to use or dispose of any property and assets which may be in their name.

Who May Be Appointed as a Guardian or Conservator

In many cases the best guardian or conservator is a relative. This could include parents, siblings, aunts, uncles, or others. The appointment of a relative is often the most feasible way to deal with the need for a guardian. However, many other people, even business people, could serve as effective representatives of a person's interests. Family, friends, individuals or businesses, including charitable organizations or possibly a business corporation (for example, a bank to handle financial affairs for someone who does not live in Missouri, etc.) may serve as representatives. The need for representation is made on an individual basis. For example, one may require only periodic or partial assistance during certain times or for certain activities. Others may require more extensive assistance on a more frequent basis. Some people and agencies cannot be appointed as guardians. Employees of a public agency (for example, the Department of Mental Health), an employee of a facility which contracts with a public agency to care for individuals, a judge or someone under 18 cannot represent another as guardian or conservator.

Powers and Duties of Guardians and Conservators

Guardians and conservators are granted different powers by a court for managing the interests of a person who is incapacitated. Guardians are to take charge of a person who is incapacitated and provide for their care, treatment, habilitation, education, support and maintenance. A guardian is not, however, obligated to use personal financial resources to support the person under their care. If the person who is incapacitated does not have sufficient funds or other assets, the guardian may request support from county and state sources. The duties of a conservator are more involved with managing the financial and property interests of the person who is incapacitated. For example, a conservator may manage the estate of a person who is incapacitated, invest funds, see that proper accounting is done, pay bills, etc.

For More Information and Assistance

The first resource of assistance on guardianship and conservatorship should with a family attorney and/or the probate division of the circuit court in your county. The agencies listed on the reverse side can also assist with questions about guardianship and conservatorship. Each agency has offices throughout Missouri.

Missouri Protection and Advocacy Services

925 South Country Club Drive
Jefferson City, MO 65109
1-800-392-8667

St. Louis (314) 991-1190
Kansas City (816) 756-1001

Missouri Protection and Advocacy Services have a guide available on this topic, "*A Basic Guide for Understanding Guardianship and Conservatorship in Missouri*." A copy may be obtained by writing or calling the Jefferson City office.

Missouri Legal Referral Services

Missouri Bar Lawyer Referral Service

Jefferson City (573) 636-3635

Bar Associations

St. Louis (314) 621-6681
Kansas City (816) 221-9472
Springfield (417) 831-2783
Jefferson City (573) 635-4128

These offices will refer families to local attorneys who handle guardianship cases.

Missouri Legal Aid Offices

Western Missouri	(816) 474-6750
Eastern Missouri	(314) 534-4200
Hannibal	(573) 248-1111
Southern Missouri	(417) 862-0356 (800) 444-4863
Columbia	(573) 442-0116 (800) 568-4931

For more information contact:

Superintendent
State Schools for Severely Handicapped
P.O. Box 480
Jefferson City, Missouri 65102-0480
Phone (573) 751-4427

<http://dese.mo.gov/divspeced/stateschools/>